

JEFFRY A. DAVIS (Bar No. 103299)
 AMY WALLACE POTTER (Bar No. 213196)
DLA PIPER RUDNICK GRAY CARY US LLP
 2000 University Avenue
 East Palo Alto, CA 94303-2248
 Tel: 650-833-2000
 Fax: 650-833-2001

Attorneys for Appellant
 CHARLES K. CLAPP

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

In re:

CONSTANCE DUDLEY,

 Debtor.

CASE NO. 06-1371 JW

BANKRUPTCY CASE NO. 03-52149

Chapter 7

**STIPULATION FOR ORDER FINDING
 APPEAL NUMBER 06-2255-JW RELATED
 TO APPEAL NUMBER 06-1371-JW
 PURSUANT TO LOCAL RULE 3-12**

Creditor and Appellant Charles K. Clapp (“Clapp”), Debtor Constance Dudley (the “Debtor”), Chapter 7 Trustee Mohamed Poonja (the “Trustee”) and the Trustees of the Lincoln Building Trust, Paul Laub, Andrew Swartz and Brock Tostevin (the “Lincoln Trustees”) hereby enter into this stipulation requesting that the Court order appeal number 06-2255-JW related to appeal number 06-1371-JW pursuant to local rule 3-12.

RECITALS

A. On February 13, 2006, the Bankruptcy Court entered two orders (1) approving the settlement between the Trustee, the Debtor, and the Lincoln Trustees and (2) granting the Debtor’s motion to quash subpoenas and denying Clapp’s motion to compel production of documents in compliance with those subpoenas.

1 B. On February 17, 2006, Clapp filed two notices of appeal of the orders in the
2 bankruptcy case and paid a separate filing fee for each notice of appeal. One of the notices of
3 appeal was docketed as District Court Case Number 06-1371-JW on February 27, 2006. Both
4 orders were attached to that notice of appeal by either the Bankruptcy Court Clerk or the District
5 Court Clerk. Clapp is informed and believes that the Bankruptcy Court Clerk did not realize that
6 Clapp had filed two different notices of appeal and transmitted only one notice of appeal to the
7 District Court Clerk.

8 C. On February 27, 2006, the Debtor filed a cross appeal of the Court's motion
9 granting her motion to quash (but denying sanctions). That notice of appeal was docketed as
10 District Court Case Number 06-1671-JF.

11 D. On April 3, 2006, this Court held a hearing to consider Clapp's motion for a stay.
12 At that hearing, the parties agreed that the Debtor's cross appeal number 06-1671-JF was related
13 to Clapp's appeal 06-1371-JW. The Court signed an order designating the cases related on April
14 3, 2006.

15 E. On April 4, 2006, after the hearing on the motion for stay, Clapp's other notice of
16 appeal was docketed as District Court Case Number 06-2255-JW.

17 F. The parties agree that Clapp's appeal number 06-2255-JW is related to Clapp's
18 appeal number 06-1371-JW and the Debtor's cross-appeal number 06-1671-JF and should be
19 administered with that appeal and cross appeal.

20 G. Therefore, in order to promote judicial economy and prevent delay, the parties
21 stipulate that Clapp's appeal number 06-2255-JW is related to cases 06-1371-JW and 06-1671-JF
22 and that all three appeals should be considered together according to the briefing schedule in the
23 Court's April 3, 2006 order.

24 **STIPULATION**

25 1. Clapp, the Debtor, the Trustee and the Lincoln Trustees request that the Court find
26 that appeal number 06-2255-JW is related to appeal number 06-1371-JW and 06-1671-JF
27 pursuant to local rule 3-12.

2. The parties stipulate that all issues related to appeal number 06-2255-JW will be briefed according to the schedule in the Court's April 3, 2006 order.

Dated: April 5, 2006

DLA PIPER RUDNICK GRAY CARY US LLP

By /s/ Amy Wallace Potter

AMY WALLACE POTTER

Attorneys for Creditor and Appellant

CHARLES K. CLAPP

Dated: April 5, 2006

SULMEYER KUPETZ

By /s/ Christopher Alliotts

CHRISTOPHER ALLIOTTS

Attorneys for Debtor

CONSTANCE DUDLEY

Dated: April 5, 2006

LUCE FORWARD

By /s/ Sandi Colabianchi

SANDI COLABIANCHI

Attorneys for Trustee

MOHAMED POONJA

Dated: April 5, 2006

GRUNSKY EBEL FARRAR & HOWELL

By /s/ Rebecca Connolly

REBECCA CONNOLLY

Attorneys for Lincoln Trustees

PAUL LAUB, ANDREW SWARTZ, and

BROCK TOSTEVIN

I, Amy Wallace Potter, hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/s/) within this efiled document.

Dated: April 5, 2006

/s/ Amy Wallace Potter

AMY WALLACE POTTER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: July 14, 2006

By 

HONORABLE JAMES WARE

UNITED STATES DISTRICT COURT JUDGE

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STIPULATION